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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,046	12/04/2003	Toru Nakao	Q78736	4823
23373 7590 05/22/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER WONG, KIN C	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 05/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No. 10/727,046</p>	<p>Applicant(s) NAKAO ET AL.</p>	
	<p>Examiner K. Wong</p>	<p>Art Unit 2627</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/7/07</u> . | 6) <input type="checkbox"/> Other: _____  |

This is a response to amendment filed 3/7/07.

The indicated allowability of claims (1-9, 11-17 and 23-30) is withdrawn in view of the newly discovered -reference(s). Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims (1-30) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with idiomatic errors.

Claims (11 and 12) are not clear. The parent claims (2 and 3) are directed to "manufacture method of an inspection" while the recitation of claims (11 and 12) are directed to serve writing. Either these claims are missing a modifiers or are in an incomplete thought.

Claims (2 and 3) are not clear because the phrase "manufacture method of an inspection" which an inspection is a method process. How is a manufacturing of the method of the method/(inspection) evolved?

Claim 10 is not clear because the dependency of the claim. The parent claim is a method while the claim 10 recites an apparatus. Furthermore, claim 10 recites a divergent of technology or species that which would be a restricting subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims (1-10 and 23) are rejected under 35 U.S.C. 102(b) as being anticipation by Baca et al (5574602).

Regarding claims 1 and 24: Baca et al discloses the procedure in for inspecting (calibrating) a head unit moving device (as depicted in figures 1 and 4 of Baca et al, and, see associated descriptions for details), the procedure including the steps of:

running an inspection (calibration) use tape in which a servo signal is written displaced in a width direction of a magnetic tape at a predetermined frequency and amplitude (as depicted figure 4, and, col. 5, line 58 to col. 6, line 7 and col. 8, lines 20-44 of Baca et al);

measuring a position of a head unit practically moved in a width direction of the inspection use tape in response to the servo signal (col. 5, lines 16-31 of Baca et al);

and calculating a difference between the position and a position to be instructed so as to move the head unit in response to the servo signal, wherein the head unit moving device moves the head unit having a servo signal reading head, a data signal

recording head, and a data signal reproducing head in the width direction of the magnetic tape in response to the servo signal read from the magnetic tape by the servo signal reading head (col. 5, lines 14-57 of Baca et al). Baca et al discloses a calibration or inspection procedure for reviewing the head moving unit with the measuring (reading) the position error signal for determining correct positioning of the head unit.

Regarding claims 2 and 3: claims (2 and 3) are same as claim 1 when the procedure is in use.

Regarding claims 4 and 5: Baca et al teaches that wherein a tape edge detector detecting a position of a tape edge of said magnetic tape is disposed directly near the servo signal writing head, and the servo signal writing head is displaced in the width direction of the magnetic tape so as to cancel out variations in the width direction of the magnetic tape, based on an inspection result of the tape edge detector (col. 3, line 48 to col. 4, line 3 and col. 11, lines 6-11 of Baca et al).

Regarding claims 6, 7, 8 and 9: Baca et al depicted in figure 4 that the inspection use tape.

Regarding claim 10: apparatus claim 10 is met when the procedure of Baca et al is in use.

Regarding claims 11-16: the limitations of serve writing with the noted procedure would be considered inherent because the tapes are required to be formatted.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims (25-30) are rejected under 35 U.S.C. 103(a) as being unpatentable over Baca et al (5574602) in view of Bui et al (6963467).

The reason for Baca et al is stated in above. Baca et al is silent on the servo pattern that is in "V" pattern. Bui et al is relied on for the teachings of the "V" servo pattern as shown in figure 2 of Bui et al (see col. 9, lines 17-19 of Bui et al).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the servo pattern of Baca et al with the one taught by Bui et al. the rationale is as follows: one of ordinary skill in the art would have been motivated to provide a prevention of the transient shifting in the tape as suggested in col. 8, lines 5-22 of Bui et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Karsh (4796125) could read in claim 1 in col. 3, lines 38-64 of Karsh. The reason that Karsh is not use in this Office action because of redundancy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Wong whose telephone number is (571) 272-7566.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, H. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kw

19 May 07



K. WONG  
PRIMARY EXAMINER